

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD BOYLE,

Plaintiff

v.

**GALLETTA AUTO RECYCLING, LLC :
and DAVID L. SCHAEGLER,**

Defendants

:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

The Plaintiff, Richard Boyle, by and through his attorneys, Dougherty, Leventhal & Price, L.L.P., complains against the above-named Defendants and states as follows:

THE PARTIES

1. The Plaintiff, Richard Boyle, is an adult and competent individual who is a citizen of the Commonwealth of Pennsylvania, residing at 412 Deer Run Drive, Archbald, Lackawanna County, PA 18403.

2. The Defendant, Galletta Auto Recycling, LLC, is a limited liability company registered in the State of Maine, with its principal place of business located at 80 Main Street, South Paris, Maine 04281-1432. The sole member/owner of Galletta Auto Recycling, LLC is Joseph Galletta, who is a citizen of the State of Maine and who resides and operates his business at 80 Main Street, South Paris, Maine 04281-1432.

3. The Defendant, David L. Schaedler, is an adult and competent individual and is a citizen of the State of Maine, residing at 16 Goodard Street, Lisbon Falls, Maine 04252-1840.

JURISDICTION

4. Jurisdiction is based on 28 U.S.C. Section 1332(a)(1) as this civil action involves a controversy between citizens of different states, and the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).

THE CRASH OF AUGUST 29, 2019

5. At approximately 3:17 p.m. on Thursday, August 29, 2019, Plaintiff Richard Boyle was operating a 2019 GMC Acadia southbound on State Route 222 in Maidencreek Township, PA. Plaintiff was slowing the 2019 GMC Acadia in response to slowing traffic ahead of him.

6. At the same time and place, Mr. Michael W. Fitzgerald was driving a 2010 Toyota Prius southbound on State Route 222, directly behind the 2019 GMC Acadia that Plaintiff Richard Boyle was driving. Mr. Fitzgerald was slowing his 2010 Toyota Prius in response to slowing traffic ahead of him.

7. At the same time and place, Defendant David L. Schaedler was driving a 2017 Ford F350 Truck, with an empty flatbed trailer attached, southbound on State Route 222, directly behind Mr. Fitzgerald's 2010 Toyota Prius.

8. The Ford F350 Truck and the attached empty flatbed trailer were owned, leased and/or controlled by Defendant Galletta Auto Recycling, LLC.

9. At all relevant times, Defendant David L. Schaedler was acting as the employee, agent and/or servant of Defendant Galletta Auto Recycling, LLC, was under the control of Defendant Galletta Auto Recycling, LLC, and was furthering the business interests of Defendant Galletta Auto Recycling, LLC.

10. At all relevant times, Defendant David L. Schaedler was operating the 2017 Ford F350 Truck and attached flatbed trailer with the knowledge and consent of Defendant Galletta Auto Recycling, LLC.

11. Defendant David L. Schaedler caused his 2017 Ford F350 Truck to violently impact the rear of Mr. Fitzgerald's 2010 Toyota Prius, catapulting the 2010 Toyota Prius forward, resulting in the 2010 Toyota Prius and/or the 2017 Ford F350 Truck crashing into the rear of the 2019 GMC Acadia operated by Plaintiff Richard Boyle.

12. The Defendants' conduct was the sole cause of the subject crash.

COUNT I

Plaintiff Richard Boyle

v.

Defendants Galletta Auto Recycling, LLC and David L. Schaedler

13. The Plaintiff incorporates paragraphs 1 through 12 above as fully as if the same were set forth at length herein.

14. The crash was caused by the negligent, reckless and wanton conduct of the Defendants as follows:

- (a) Defendant Schaedler operated the 2017 Ford F350 Truck at an excessive rate of speed under the circumstances;
- (b) Defendant Schaedler failed to drive attentively and failed to keep a proper lookout for the roadway and traffic conditions ahead of him;
- (c) Defendant Schaedler failed to keep a proper and safe distance between his 2017 Ford F350 Truck and the vehicles ahead of him; and
- (d) Defendant Schaedler operated the 2017 Ford F350 Truck with callous disregard for the position of the vehicles ahead of him and for the safety of the occupants of the vehicles ahead of him.

15. As a result of the Defendants' negligent, reckless and wanton conduct, Plaintiff Richard Boyle sustained multiple traumatic bodily injuries, including cervical whiplash, cervical spine injury, right-sided neck and shoulder pain and spasm, right upper extremity radicular symptoms including right arm weakness and diminished right hand grip strength, headaches, nausea, and restricted cervical and right shoulder/arm range of motion.

16. As a result of the negligence, reckless and wanton conduct of the Defendants, Plaintiff Richard Boyle required medical treatment and incurred medical bills, and he may require medical treatment and incur medical bills in the future.

17. As a result of the Defendants' negligent, reckless and wanton conduct, Plaintiff Richard Boyle missed time from work and incurred wage loss.

18. As a result of the Defendants' negligent, reckless and wanton conduct, Plaintiff Richard Boyle suffered physical and mental pain and anguish, and he may continue to suffer physical and mental pain and anguish in the future.

19. As a result of the Defendants' negligent, reckless and wanton conduct, Plaintiff Richard Boyle was unable to participate in the ordinary activities and pleasures of his life, and he may be deprived of the ability to participate in ordinary activities and pleasures of his life in the future.

20. As a result of the Defendants' negligent, reckless and wanton conduct, Plaintiff Richard Boyle suffered embarrassment and humiliation.

WHEREFORE, Plaintiff Richard Boyle respectfully requests that the Court enter judgment in his favor and against the Defendants for compensatory damages in excess of seventy-five thousand dollars (\$75,000.00), litigation costs and delay damages pursuant to Pennsylvania Rule of Civil Procedure 238.

COUNT II

Plaintiff Richard Boyle

v.

Defendant Galletta Auto Recycling, LLC

21. The Plaintiff incorporates paragraphs 1 through 20 above as fully as if the same were set forth at length herein.

22. Defendant Galletta Auto Recycling, LLC was negligent, careless and reckless in entrusting its 2017 Ford F350 Truck and attached flatbed trailer to Defendant David L. Schaedler in that Defendant Galletta Auto Recycling, LLC knew, or should have known, that Defendant Schaedler was incapable of safe operation of the truck/trailer unit and/or was likely to operate the truck/trailer unit in an unsafe manner.

WHEREFORE, Plaintiff Richard Boyle respectfully requests that the Court enter judgment in his favor and against Defendant Galletta Auto Recycling, LLC for compensatory damages in excess of seventy-five thousand dollars (\$75,000.00), litigation costs and delay damages pursuant to Pennsylvania Rule of Civil Procedure 238.

DOUGHERTY, LEVENTHAL & PRICE, L.L.P.

BY: James M. Weter, Esq.
JAMES M. WETER, ESQ.
Attorney I.D.#46847

**459 Wyoming Avenue
Kingston, PA 18704
(570) 288-1427**

Attorneys for Plaintiff RICHARD BOYLE